

# CITY OF SAN BRUNO



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## STAFF

Tambri Heyden, AICP, *Community Development Director*  
Aaron Aknin, AICP, *Planning Manager*  
Mark Sullivan, AICP, *Housing and Redevelopment Manager*  
Beilin Yu, *Associate Planner*  
Tony Rozzi, *Assistant Planner*  
Lisa Costa-Sanders, *Contract Planner*  
Cathy Hidalgo, *Recording Secretary*  
Pamela Thompson, *City Attorney*

## PLANNING

### COMMISSIONERS

Sujendra Mishra, *Chair*  
Rick Biasotti, *Vice-Chair*  
Commissioners:  
Mary Lou Johnson  
Bob Marshall Jr.  
Perry Petersen  
Kevin Chase  
Joe Sammut

## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

**JULY 18, 2006**

San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

**CALL TO ORDER at 7:05 pm.**

### **ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Chair Mishra	X	
Vice Chair Biasotti		X
Commissioner Chase	X	
Commissioner Johnson	X	
Commissioner Marshall	X	
Commissioner Petersen	X	
Commissioner Sammut	X	

### **STAFF PRESENT:**

Planning Division: Community Development Director: Tambri Heyden  
Planning Manager: Aaron Aknin  
Associate Planner: Beilin Yu  
Community Dev. Recording Secretary: Cathy Hidalgo  
City Attorney: Pamela Thompson

Pledge of Allegiance: Commissioner Johnson

### **A. Approval of Minutes – JUNE 20, 2006**

**Motion to Approve Minutes of June 20, 2006 Planning Commission meeting.**

**Petersen/Sammut**

VOTE: 6-0  
AYES: Mishra, Chase, Johnson, Marshall, Petersen, Sammut  
NOES:  
ABSTAIN:

### **B. Communication**

The Packets are available on San Bruno's website: [www.sanbruno.ca.gov](http://www.sanbruno.ca.gov)

The Agendas and minutes are available on line.

**C. Public Comment**

None at this time.

**D. Announcement of Conflict of Interest**

Marshall – Item E1, within 500 feet

**E. Public Hearings**

**1. 497 San Mateo Avenue**

**Request for a Use Permit to allow live music in conjunction with the operation of an existing bar per Section 12.84.070.B of the San Bruno Zoning Ordinance. Gene Tagliaferri (Owner)/ Edwina Walshe (Applicant) UP-06-20**

*Assistant Planner Rozzi* entered staff report.

Staff Recommends approval of Use Permit 06-20 based on Findings of Fact (1-7) and Conditions of Approval (1-21). Condition #7, sign permit, prior to final approval.

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Sammut:* Are there any other establishments in San Bruno that have a use permit for live music?

*Assistant Planner Rozzi:* Responded, yes, the RIO did, they are no longer in business. A Karaoke bar is a separate use permit.

*City Attorney Thompson:* To the Commission, recommends that the Planning Commission consider an additional condition that the music and entertainment in connection with the loud use of the bar shall be conducted in such a manner not to constitute a public nuisance, if the applicant does not comply (such as trash, fighting, public urination, noise; those type of things constitute a public nuisance), the city can move to revoke their use permit, if approved, and subject to civil or criminal prosecution and fines, which the city will enforce.

*Commissioner Petersen:* Believes it will be a good addition to the neighborhood. An ordinance was introduced to the city recently concerning establishment that serve liquor. Were the regulations reviewed with applicant?

*City Attorney Thompson:* Responds, since they are a pre existing establishment, they are not subject to the new regulations. Except as a bar they cannot conduct themselves in a manner that would result in them becoming a public nuisance.

*Commissioner Petersen:* They can be subject to the new regulations if they become a nuisance.

*Assistant Planner Rozzi:* Responded that they are aware through the application process.

*City Attorney Thompson:* Important that staff reiterates all the laws and regulations.

*Assistant Planner Rozzi:* Agreed.

*Commissioner Petersen:* They should be encouraged to comply. Is there potentially a nexus?

*City Attorney Thompson:* Responded, they can't conduct themselves in a way that is a public nuisance. This provision would help provide a nexus between the music and that existing law.

*Commissioner Petersen:* Would it be more direct to cite the law number?

*City Attorney Thompson:* Agreed, will provide in the conditions.

*Commissioner Johnson:* Condition 16 – establishment shall report to the SBPD. What is the difference between shall and must?

*Assistant Planner Rozzi:* The wording is from the police department. Shall' makes it mandatory.

*Commissioner Johnson:* Actual hours of opening and closing?

*Assistant Planner Rozzi:* Applicant can answer. Music/Entertainment hours are listed.

*Commissioner Johnson:* What is capacity?

*Assistant Planner Rozzi:* Occupant Load is 125.

*Commissioner Petersen:* To City Attorney: Condition # 16, is it reasonable to request them to keep a log at the bar? Positive about the application, but sometimes it is good to have a log to protect yourself.

*City Attorney Thompson:* Responded affirmative

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced- Angela Fragomeni, employee at Forty's Pub, Entertainment coordinator. Would like to provide entertainment for the neighborhood, currently offer jukebox, karaoke and Pub Trivia on Tuesdays. Live Music Entertainment is asked for continuously. Has already met all the conditions on the list for notices, signage, ABC rules, keeping front and rear door closed after 10pm, monitoring the door as much as possible. Open at 6am – 2am. Do not intend music in the mornings. Music from 9pm – 1am, bands and DJs same hours. The area is elevated and there is no obstruction of traffic flow with the patrons. 2 years ago remodeled, well insulated. Have had 2 bands in the bar in the past, when in the hallway, noise is significantly reduced, in back bar, barely hear the music, in rear you cannot hear and around Sylvan it is minimal until you reach the front of the bar. The live music, from past experience, is significantly less than the jukebox.

*Chair Mishra* asked Commission if there were any questions for applicant.

*Commissioner Sammut:* The music is going to be played every Thursday Night?

*Applicant:* Responded not every Thursday, thinking of having a "jam" night with a live band allowing patrons to participate. The list in packet is a list of ideas, not necessarily having music all the time. Will be well planned.

*Commissioner Sammut:* Genre?

*Applicant:* Eclectic mix, jazz, rock, country. DJs play a wide variety.

*Commissioner Johnson:* Apartment upstairs, is it occupied? Have you gone upstairs to hear the noise level?

*Applicant:* Yes, it is occupied, no haven't gone upstairs, but the tenants are usually joining the entertainment.

*Commissioner Johnson:* Sign being removed, is it put up with tape?

*Applicant:* It has been tacked, taped. Now having hard plastic signs engraved and installed.

*Commissioner Johnson:* Bolted?

*Applicant:* Bolted or screwed in.

*Commissioner Johnson:* Are the signs falling off, or disappearing?

*Applicant:* Unsure. Will remedy and make sure the signs are installed and displayed properly.

Public Comment opened.

*Public Speaker #1.* Larry Dillard, 505 Sylvan Avenue, opposite side of parking lot at the back of Forty's. 13 years there, quiet for the first 11 years. Doors are not kept closed in the back, a lot of drinking and smoking in the back, that area acts as a megaphone towards their residence. Even with double pane windows can still hear. Installed exhaust fans, and keeps windows closed to pull air in from the opposite side of the house, with the additional noise. Hearing more profanity with the increase of patrons. A lot of motorcycles revving engines at 1am. This is not a non impact to the neighborhood. Was not contacted by the City or the Applicant on how to mitigate the problems. Witnesses more traffic, listening longer at night, earlier hours in the morning with additional trash being thrown out which starts at 6am with the glass being thrown into the bin, loud music with door open, overflow of patrons to the lot with more drinking and smoking. What is to stop them from only having it 2 nights a week? Once approved who is to stop them from having it every night of the week? Concerned about this in his neighborhood.

*Commissioner Johnson:* have you brought it to someone's attention? So they would know to address it.

*Public:* Responded, yes, brought it to the owner and the manager. Talked with Edwina on Sunday and wanted to find out their ideas to mitigate the problems. She responded that the fire dept told her to keep the back doors open. The back doors are propped open continuously. Has contacted the police department continuously complaining about the noise. Has gone out to the parking lot and asked people to leave. Believes his property is going down in value.

*Commissioner Sammut:* Did you receive notification from the city?

*Public:* Yes, 2 weeks ago.

*Public Speaker #2,* Maria Dillard; 1am is the same as 6am as far as kids sleeping. Noise increases at 2am after drinking while people are in the parking lot. Noise increases since smoking has been banned. Even with the door closed, there is a lot of loitering. The parking lot really amplifies the noise.

*Commissioner Johnson:* To public speaker #2, with door closed, do you hear noise.

*Public #2,* not really, only people talking at the back door.

*Assistant Planner Rozzi:* Letter from Anna Mouse 482 Sylvan, asked to present to the commission.

*Commissioner Sammut:* did letter just arrive?

*Assistant Planner Rozzi:* Mrs. Mouse just handed it to me.

Public Comment closed.

Back to Commission for Discussion.

*Commissioner Petersen:* To applicant. Seeing the members that spoke to being your best friends or worst enemies combined. They summarized the problems with operating a bar next to a residential area. Can you respond to the response that was made to comments from the residence?

*Applicant, Angela:* Responded those comments were from another bartender no longer employed.

*Commissioner Petersen:* Would like to propose some ideas to reduce some of the exposure to the residents out the back door. You have something in the proposal for construction to remove a door and make an opening, but if you had 2 back doors that would swing closed.

*Applicant, Angela:* The owner would like to build something in the back area to deaden the noise, a fence around the area.

*Commissioner Petersen:* can we put something into the conditions that you will do that?

*Applicant, Angela:* Responded yes. They are working with making some changes, such as an enclosure for the trash.

*Commissioner Petersen:* Smoking is a big problem too, smokers have to go outside. Would it be practical to ask smoking out front, rather than out back?

*Applicant, Angela:* Responded, it is a matter of geography, back bar patrons go out back, front bar patrons are in front. We are unable to control when people smoke, what kind of words they use. A lot of this is out of our hands. We will comply with all reasonable conditions, on what we can control.

*Commissioner Petersen:* Responded, that is a good point. What you can't control is what will terminate your permit. If noise is excessive, if trash is excessive, if rowdiness and complaints build up, that can be a cause of revoking your permit. I don't mean it as a threat or warning, but as a way for you to work to control those things.

*Applicant, Angela:* Responds that she appreciates the opinion, but is unable to control language. Has been around when complaints have come in and has dealt with issues by dealing with the people directly. Tells people they need to be respectful of the neighbors.

*Commissioner Petersen:* Has seen signs at entertainment establishments saying things about being respectful of the neighbors.

*Commissioner Johnson:* This is hard, people live there 24 hours a day and it is important that we figure out a solution that is a win-win situation. You should have a written plan in place. Have security to move people so there is no loitering.

*Applicant, Angela:* Responded that they have people there Friday and Saturday to monitor alcohol and people leaving.

*Commissioner Johnson:* Stated to have a plan in place. Feels strongly that the neighbors get their needs met as well. Those are the things that matter. Whether you can control it or not, it is your responsibility. Too many complaints on record, then we have to take another position. Ultimately it is your responsibility. We want your business to succeed and flourish.

*Applicant, Angela:* Stated that they want to enclose the back area and think it will benefit the neighbors.

*Planning Manager Akin:* Condition #13 speaks on security having 2 guards there during live entertainment events. Add to that condition "that security personnel shall insure that doors are closed at all time".

*Commissioner Johnson:* There must be a procedure in place with security directing people out and off premises at last call. Directing people out of the back area.

*Planning Manager Akin:* agrees. Some of these issues may be present whether or not live music is there, and through this Conditional Use Permit we have the condition to secure that the security will be there.

*Commissioner Sammut:* To applicant: #13, something you can do is have one guard at front and one in back and the one in back not only can make sure that the door stays closed, but can send people out front to smoke. The patrons can go onto San Mateo Avenue, something to think about doing. At 2am what is the procedure at closing?

*Applicant, Angela:* Responded that 1:30am is last call, 1:45 the bar is empty. Bar clocks are set 15 minutes ahead. Staff help get everyone out, trash is out, bottles stay in bar until the next morning.

*Commissioner Sammut:* Can you take the bottles out at 8am instead of 6am?

*Applicant, Angela:* Responds can work to do that. Janitorial staff comes in at 5am so they can open at 6am. The bottles are kept in large garbage cans, placed in an area which will ultimately clutter the back door.

*Commissioner Sammut:* Asking to consider for the neighbors quality of life and not to be awakened at 6am.

*Applicant, Angela:* Agreed.

*Commissioner Petersen:* To applicant. From schedule, it appears that you are planning live music, Friday, Saturday and Sunday afternoon, would it meet with your schedule that you will not have live music at other times.

*Applicant, Angela:* This is a tentative list, if needs adjusting we can.

*Commissioner Petersen:* You should put a Lock on the trash.

*Applicant, Angela:* Responds she believes the shed would help.

*Commissioner Petersen:* to staff. On page 3, says there are 3 covered spaces, doesn't see. Should be spaces, not covered spaces.

*Assistant Planner Rozzi:* Responds, on the site there is a 3 car garage.

*Commissioner Petersen:* is the requirement for 23 covered spaces?

*Assistant Planner Rozzi:* Responds it is misleading because it is essentially grandfathered in spaces that had been provided to that site for the downtown area.

Aknin: don't have to be covered.

*Commissioner Petersen:* Taken aback by covered parking appearing as a requirement.

*City Attorney Thompson:* Commission does have the discretion to set the hours that are appropriate and review how they are doing at a later date and expand it if the use seems appropriate. Smoking, you can require out front. Bottles can also be set as a condition of approval to not be dumped before a certain hour.

*Commissioner Sammut:* Add additional conditions of approval as listed below.

**Motion to approve Use Permit 06-20 based on Findings of Fact (1-5) and Conditions of Approval (1-21) with the following modification on 16 and additional Conditions of approval number 22**

- 16. A log kept at premises by management available to the planning department and police department at any time, with details of date, time, description and persons involved.**

22. Music and entertainment events shall be conducted as not to be a public nuisance. If complaints consist the planning department may move to remove the use permit.
23. Establishment will follow ordinance 1685.
24. Doors in rear shall be constructed to provide a vestibule effect.
25. Shed will be constructed for trash and kept locked, when not being picked up by garbage disposal company.
26. Security personnel are to frequently check back doors to make sure they are closed and to encourage to people to leave quietly out the back door during closing hours.
28. Live music limited to schedule in application, Friday, Saturday (9 pm – 1am) and Sunday afternoon (noon to 6pm). Not approved for Thursday nights.
29. Smoking posted to be in front of establishment only and not allowed at the rear of the establishment.
30. A cigarette disposal container shall be placed in the front of the building.
31. Bottles will be removed as trash not earlier than 8am and not later than 9pm daily.

**Commissioner Petersen/Sammut**

VOTE: 6-0  
 AYES: Mishra, Biasotti, Johnson, Sammut, Chase, Petersen  
 NOES:  
 ABSTAIN:

**Discussion:**

*Commissioner Petersen:* Clarified reasoning for hours and that expansion is possible.

*Commissioner Johnson:* In the approval they have the opportunity to expand.

*Commissioner Petersen:* Replied that any business can come in with an amendment.

*Commissioner Johnson:* Sunday at 6pm. To applicant, wants to know if that meets their needs. To applicant, is Sundays hours reasonable?

*Applicant, Angela:* I believe that 8pm is not unreasonable and would be appreciated.

*Commissioner Sammut:* To applicant, in his opinion, done a great job there, works out between you, city and the neighbors, would like to see some nightlife in the downtown area.

*Commissioner Johnson:* Comment, in past times, it has been very beneficial to the neighbors and business to get together and meet. Open the lines of communication with the neighbors.

**FINDINGS OF FACT**

1. The project is Categorical Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: No expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because of the conditions of approval regulating noise, loitering and hours of operation as placed by the reviewing departments.

3. The proposed development will benefit the adjacent property values through increased pedestrian traffic and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City. The proposal generally complements the current neighborhood uses and is consistent with other types of uses that have been approved in the downtown area.
4. The proposed use is consistent with the San Bruno General Plan Policy Two (2) for the Central Business District, which designates the property primarily to serve present and future needs of the residential community.
5. The location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.

### **CONDITIONS FOR APPROVAL**

#### **Community Development Department - (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed and all conditions of approval are met to the satisfaction of the Community Development Director, Use Permit 06-020 shall not be valid for any purpose.
2. The special event permit shall allow non-mechanical music (live) and entertainment, as well as mechanized music (jukebox) and music from electrical music devices.
3. The applicant shall comply with all other license and fee requirements as specified in the City Municipal Code for live music and special events, in conjunction with an existing alcohol-sales business.
4. The sound level shall conform to the requirements of the City's Noise Regulations (Chapter 6.16 of the Municipal Code) and the recommendations of the Police Department reviewing agent.
5. The front and rear doors of the business shall be closed (not locked) when music or other live entertainment event is in progress.
6. All entertainment shall be contained within the building and not extend to the sidewalk or parking lot areas.
7. A new sign application to replace the temporary banners on the property shall be approved by the Planning Division and installed. Until such time, Use Permit 06-020 shall not be valid for any purpose.

#### **Police Department – (650) 616-7100**

8. An age restriction of 21 years and over shall be posted at all entrances to the business. The signs must be readily available.
9. Maximum occupancy signs shall be posted at all entrances as well as inside the business.
10. Management shall arrange for litter removal every evening after closing.
11. All entertainment shall end no later than 1:00 A.M.
12. Consumption of alcohol on premises ends by 1:45 A.M.
13. Two licensed and uniformed security guards must be present during live music and/or entertainment event to provide security to ensure safety.



14. All exits are to be free from obstructions.
15. Any violation of the law or threatened violations shall be immediately reported to the Police Department and employees and management of the business shall give full cooperation.
16. Any fight, ejection of a customer, thefts from customers, or any other criminal act occurring at the establishment shall be reported to the SBPD as soon as any business employee is aware of such incident. (AMENDED ABOVE)
17. Any request by anyone in the establishment for an employee to contact the Police shall be honored immediately, without question.
18. Labor Code 6404.5 regarding smoking shall be enforced at all times.
19. Business must adhere to the provisions set forth in their ABC License.
20. At least one sign, one square foot minimum, shall be posted and maintained in a legible condition at each public entrance to the property prohibiting littering and loitering.

**Fire Department - (650) 616-7096**

21. Post an Occupant Load sign including an Entertainment Occupant Load for the front and rear rooms. To be issued by the Fire Department.

**Planning Commission**

16. (Amended) A log kept at premises by management available to the planning department and police department at any time, with details of date, time, description and persons involved.
22. Music and entertainment events shall be conducted as not to be a public nuisance. If complaints consist the planning department may move to remove the use permit.
23. Establishment will follow ordinance 1685.
24. Doors in rear shall be constructed to provide a vestibule effect.
25. Shed will be constructed for trash and kept locked, when not being picked up by garbage disposal company.
26. Security personnel are to frequently check back doors to make sure they are closed and to encourage people to leave quietly out the back door during closing hours and always smoke at the front of the building.
27. Live music limited to schedule in application, Friday, Saturday (9 pm – 1am) and Sunday afternoon (noon to 6pm). Not approved for Thursday nights.
28. Smoking posted to be in front of establishment only and not allowed at the rear of the establishment.
29. A cigarette disposal container shall be placed in the front of the building.
30. Bottles will be removed as trash not earlier than 8am and not later than 9pm daily.

**Chair Mishra advised of a 10-day appeal period.**

**2. 21 Tanforan Avenue**

**Request for a Use Permit and Minor Modification to allow the construction of as addition which increases the gross floor area by more than 59% and encroaches into the required side yard setbacks per Section 12.200.030.B.1 and 12.120.010.B of the San Bruno Zoning Ordinance. Sazad Ali (Owner/Applicant) UP-06-05; MM-06-07**

*Associate Planner Yu* entered staff report. .

Staff recommends that the Planning Commission approve Use Permit 06-05 and Minor Modification 06-07 based on Findings of Fact (1-8) and Conditions of Approval (1-21).

*Chair Mishra* asked Commission if there were any questions for staff.

*Petersen:* Condition #12, "stormwater..." that wording, is that recently introduced? That would require the resident to install drains and deliver drainage to the street.

*Associate Planner Yu:* Responded that she will check with PW for the wording.

*Commissioner Petersen:* This is a costly requirement, check with PW and get back to us.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced. Sazad Ali. Expanding the rear of the property to accommodate the family. Still have a lot of space and it is in accordance with the city.

*Chair Mishra* asked Commission if there were any questions for applicant.

*Commissioner Sammut:* Question, you stated that it was for the family, is it extended or immediate?

*Applicant:* Responded, immediate family.

*Planning Manager Akin:* they reduced it

*City Attorney Thompson:* Do you have a question about the guideline. It is a guideline not a rule. You have discretion to change it. You have the discretion if you want the applicant to supply additional parking.

*Chair Mishra:* first concern was parking, likes design, and appreciates the effort. A one car garage for a 5 bedroom house is insufficient.

*Chair Mishra, To Staff:* how many spaces are required?

*Associate Planner Yu:* responded, there is paved parking, for 2 cars.

Public Comment opened.

Public Comment closed.

Back to Commission for Discussion.

None

**Motion to approve Use Permit 06-05, MM 06-07 based on Findings of Fact (1-8) and Conditions of Approval (1-21). Removing words "**

**Commissioner Petersen/Chase**

VOTE: 7-0

AYES: Mishra, Biasotti, Chase, Johnson, Marshall, Petersen, Sammut

NOES:

ABSTAIN:

**FINDINGS OF FACT**

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since all construction will meet the Uniform Building Code and attain all appropriate Building Division permits.

2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the expansion is in scale with the neighborhood and off-street parking requirements will be met, thereby eliminating any negative impacts to on-street parking availability.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood, since the structure maintains a larger setback than the minimum required by code.
5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition will be an economic benefit to the surrounding area.
6. The proposed expansion has provided an attached one-car garage which complies with applicable off-street parking standards of the zoning ordinance.
7. The general appearance of the proposed building or structure; or modification thereof is in keeping with the character of the neighborhood through similar materials and will be to the rear of the property which will be out of sight from the street of access.
8. The proposed building or structure; or modification thereof will not be detrimental to adjacent real property as the addition will still be a single story with the minimum number of windows required.

### **CONDITIONS FOR APPROVAL**

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-05 and Minor Modification 06-07 shall not be valid for any purpose. Use Permit 06-17 and Minor Modification 06-07 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Minor Modification for an addition shall be built according to plans approved by the Planning Commission on July 18, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100

feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

#### **Department of Public Works – (650) 616-7065**

8. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
9. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
10. Paint address number on face of curb near driveway approach. Black lettering on white background.
11. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
12. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
13. If increased, applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/080/110
14. City approved backflow required for domestic / irrigation. Include calculations showing existing or new meter size will be sufficient for required flow. Show location of backflow unit(s) on plans. California Code of Regulations Title 17, U.P.C. 603, S.B.M.C. 10.14.110

#### **Fire Department - (650) 616-7096**

15. Provide minimum 4" illuminated address numbers.
16. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
17. Provide spark arrestor for chimney.
18. Provide NFPA 13D fire sprinkler system in addition and garage. Provide a pilot head in attic. Recommend sprinklers in existing home.
19. Provide a water flow alarm using an exterior rated horn and strobe, visible from the street. Delay the alarm 45 to 60 seconds. Include in electrical permit.
20. The Fire Sprinkler System will require separate plans and permit.
21. Please include these conditions on your plans when submitting.

Chair Mishra advised of a 10-day appeal period.

3. 1850 Monterey Drive

**Request for a Use Permit to allow the construction of an addition to an existing residence, which increases the gross floor area by more than 50% and a Parking Exception Permit to allow tandem parking, per Section 12.200.030.B1 and 12.200.020.B of the San Bruno Zoning Ordinance. Andrew and Carol DeGraca (Applicant/ Owners). UP-06-15,PE-06-04**

*Associate Planner Yu* entered staff report. Comments from 1841 - concerns addition will impact her view. Emails and pictures attached to report. Additionally no view ordinance within the City of San Bruno, Page 7, Second paragraph. Also, 1891 Monterey comments, concerned about parking and that the addition will further impact parking, use for gathering. ***Staff adds additional condition of approval; the property must be cleaned and maintained prior to issuance of a building permit.***

Staff recommends that the Planning Commission approve Use Permit 06-15 and Parking Exception Permit 06-04 based on Findings of Fact (1-7) and Conditions of Approval (1-17).

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Petersen:* The photos are a product sent with an email, correct.

*Associate Planner Yu:* Correct.

*Commissioner Petersen:* opinion is that the views are grossly misleading; these are pictures that show a projected view after expansion, taken from different vantage points, questions accuracy.

*Associate Planner Yu:* Responded that staff, upon inspection, doesn't believe impact will be that great. The full view is not impacted as shown in the pictures.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced Andrew Degraca, wanting to expand with family growing up.

*Commissioner Johnson:* Have you read and agree with the conditions?

*Applicant:* yes, will take care of the new condition as well. Will obtain dumpsters.

*Commissioner Johnson:* are you willing to comply

*Applicant:* yes.

Public Comment opened.

*Public Speaker #1:* Robin, 1840 Monterey, concern with extension in backyard, extending 26 feet from the existing house. The existing deck is 8 feet long, if they extend 26 feet, it will be 2 decks and the height of the house is close to wires. Has some photos to present. (Presented to commission). This 20 foot extension –blocks the landmark on SSF. If the extension granted, all house have 180 degree view, lose value. My house is affected. House that size in this area 2000 square feet, is this compatible with the area?

*Commissioner Petersen:* To applicant, are these pictures taken from your deck?

*Public Speaker #1:* Responded, yes,

*Commissioner Petersen:* warns owner that deck is in poor shape.

*Commissioner Marshall:* you don't have any pictures straight out the deck, if you are sitting in your living room looking out the window, what is there. Your view is unobstructed correct?

*Public Speaker #1* disagreed, when standing on deck, the house on the left, with extension will block the view.

*Commissioner Marshall:* only thing blocked is looking into their yard. You need to show us the whole scenario.

*Public Speaker #2:* Dale, 1891 Monterey, wrote communication about this application. Parking is severely impacted by church and school. The primary concern is public meetings that may take place at this property. Have noticed a spill over from the school, whether friendly get togethers, unsure. Have exasperated the parking in the evenings. Has had extensive communications with PW with parking on the street, so far, no solutions.

*Commissioner Johnson:* do you have anything documenting gatherings.

*Public Speaker #2:* Concern about two projects right next to each other, doing the same thing adding same space. Worried about the parking between the 2 properties expanding.

*Commissioner Johnson:* There are procedures in place that you can contact the city for nuisances.

*Public Speaker #2:* Has had extensive conversations with PW

*Commissioner Johnson:* are there activities with the church and the school?

Public Comment closed.

Back to Commission for Discussion.

*Commissioner Chase:* to staff, on building setback, is this correct?

*Associate Planner Yu:* yes, the entire property is 300+ feet.

*Commissioner Sammut:* looking at the item we just approved, and this, on the prior app from the fire dept,

*Associate Planner Yu:* Responded – can add.

*Commissioner Sammut:* stormwater, delete "any other onsite"

*Associate Planner Yu:* delete from master.

*Commissioner Sammut:* the planting, for everyone

*Planning Manager Akin:* believes it is based on percentage

*Commissioner Sammut:* check into and report at next meeting.

*Planning Manager Akin:* fire flow, isn't enough to fight fires in the older areas.

*Commissioner Chase:* only for the amount of flow, the sprinklers, it is solely based on what we responded.

*Planning Manager Akin:* as of right now, that is what FD based on.

**Motion to approve Use Permit 06-15 and Parking Exception 06-04 based on Findings of Fact (1-7) and Conditions of Approval (1-18).**

**Commissioner Sammut/Petersen**

VOTE: 7-0

AYES: Mishra, Biasotti, Sammut, Petersen, Chase, Johnson and Marshall  
NOES:  
ABSTAIN:  
ABSENT:

## **FINDINGS OF FACT**

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since all construction will meet the Uniform Building Code and attain all appropriate Building Division permits.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the expansion is in scale with the neighborhood and off-street parking requirements will be met, thereby eliminating any negative impacts to on-street parking availability.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood, since the structure maintains a larger setback than the minimum required by code.
5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition will be an economic benefit to the surrounding area.
6. The proposed expansion has provided three car garage parking spaces, which complies with applicable off-street parking standards of the zoning ordinance.
7. Parking exception permit to allow tandem parking is warranted due to the topography of the property and the existing floor plan.

## **CONDITIONS FOR APPROVAL**

### **Community Development Department - (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-15 and Parking Exception 06-04 shall not be valid for any purpose. Use Permit 06-17 and Minor Modification 06-07 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.

3. The request for a Use Permit and Parking Exception for an addition shall be built according to plans approved by the Planning Commission on July 18, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

**Department of Public Works – (650) 616-7065**

8. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
9. No fence, retaining wall, or other permanent structure to be placed within 5'-6" from back of sidewalk. S.B.M.C. 8.08.010
10. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
13. Storm water from new and existing roof down-spouts ~~and other on-site drainage~~, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
14. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

**Fire Department - (650) 616-7096**

15. Provide minimum 4" illuminated address numbers.
16. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
17. Provide spark arrestor for chimney.

**Chair Mishra advised of a 10-day appeal period.**



**4. 1860 Monterey Drive**

**Request for a Use Permit to allow the construction of an addition to an existing residence, which increases the gross floor area by more than 50%, per Section 12.200.030.B1 of the San Bruno Zoning Ordinance. Mario Lopez UP-06-16; PE-06-05**

*Associate Planner Yu* entered staff report. Add condition that existing wall between family room and playroom be opened up, to avoid potential second unit as shown in the proposed plans.

Staff Recommends approval of Use Permit 06-16 and Parking Exception 6-05 based on Findings of Fact (1-7) and Conditions of Approval (1-18).

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Petersen:* The wall is the one that has a note "wall removed"

*Associate Planner Yu:* Correct, when staff visited site, only a small opening, a door, proposing instead of having it opened.

*Commissioner Petersen:* There is a family room

*Associate Planner Yu:* correct

*Associate Planner Yu:* We want a condition that the wall is removed.

*Commissioner Petersen:* zoning does not provide that we condition how many bedrooms a house has, but we can identify a space for potential illegal use?

*Associate Planner Yu:* staff sees there is potential for a possible illegal unit, staff requests redesigning.

*Commissioner Petersen:* is there plumbing?

*Associate Planner Yu:* not seen on the plans.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced Mario Lopez, since 1994. Lived with wife and 2 kids.

*Commissioner Marshall:* Address whether you are related to other project.

*Applicant:* No

*Commissioner Marshall:* do you hold public gatherings?

*Applicant:* no

*Commissioner Marshall:* can you remove the wall?

*Applicant:* there is an existing door, simply stating that removing the wall will have structural issues, since it is a bearing wall, willing to remove windows and have an arch opening. Removing wall is a mistake. On Page 5, item 3 – not proposing, current is stucco. The property has a lot of trees; clarify if this is to be installed in the front or the back?

*Planning Manager Akin:* you can choose front or back or pay the fee.

*Applicant:* waiting for tree for 5 years

*Planning Manager Akin:* this is independent.

*Chair Mishra:* this requirement must be satisfied.

*Commissioner Johnson:* the back doesn't reflect the same design as the front.

*Applicant:* working with architect to match the front and back.

*Commissioner Johnson:* are you doing anything with the front

*Applicant:* yes

*Commissioner Johnson:* it is not reflected in these plans.

*Applicant:* happy to take that as condition of approval.

*Planning Manager Akin:* if there are revisions, we will bring it to ARC for approval.

*Commissioner Petersen:* Staff is recommending that interior wall be removed, even bearing, it can still be done, but what was the original plan, did you plan to leave wall and cover windows?

*Applicant:* planned on covering, with garage had to alter plans

*Commissioner Petersen:* you had a different arrangement until the garage made bigger

*Applicant:* yes

*Commissioner Petersen:* want joined family room and play area

*Applicant:* there are existing windows

*Commissioner Petersen:*

*Applicant:* original

*Commissioner Petersen:* what is your preference?

*Applicant:* keep opening, similar to 1850 property.

*Commissioner Petersen:* realize you may have potential resale issues.

*Applicant:* not planning to sell, just wants to make it nice.

*Commissioner Marshall:* the plans show no wall, plans presented have no wall

*Applicant:* planning to revise.

*Commissioner Marshall:* Conditions opposite

Public Comment opened.

Public Comment closed.

Back to Commission for Discussion.

None

**Motion to approve Use Permit 06-16 and Parking Exception 06-05 based on Findings of Fact (1-7) and Conditions of Approval (1-18). Item 13 remove the words**

**Commissioner Sammut/Marshall**

VOTE: 7-0

AYES: Mishra, Biasotti, Sammut, Chase, Johnson, Marshall, Petersen

NOES:

ABSTAIN:

ABSENT:

## **FINDINGS OF FACT**

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5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition will be an economic benefit to the surrounding area.
6. The proposed expansion has provided three car garage parking spaces, which complies with applicable off-street parking standards of the zoning ordinance.
7. Parking exception permit to allow tandem parking is warranted due to the topography of the property and the existing floor plan.

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2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Parking Exception for an addition shall be built according to plans approved by the Planning Commission on July 18, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100

feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
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7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

#### **Department of Public Works – (650) 616-7065**

8. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
9. No fence, retaining wall, or other permanent structure to be placed within 5'-6" from back of sidewalk. S.B.M.C. 8.08.010
10. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
13. Storm water from new and existing roof down-spouts ~~and other on-site drainage~~, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
14. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way. S.B.M.C. 8.24.140/150/180.
15. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

#### **Fire Department - (650) 616-7096**

16. Provide minimum 4" illuminated address numbers.
17. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
18. Provide spark arrestor for chimney.

**Chair Mishra advised of a 10-day appeal period.**

#### **F. Discussion**

1. City Staff Discussion

Planning Manager Aknin: Requests not forgotten on list, will get soon.

Beilin Yu, last day of employment July 28<sup>th</sup>, accepted position with City of Pasadena

Commissioner Johnson: Wish Beilin well, did an excellent job, best wishes and good luck.

Chair Mishra: To Associate Planner Yu. Miss you here and bike and pedestrian committee.

Selection for Aug 10 ARC – Mishra, Biasotti and Sammut.

2. Planning Commission Discussion

Working with City attorney for resource issues to satisfy planning commission requirements and process

Commissioner Petersen: To staff, complimenting staff reports, improvement over the last 6 months, more legal oriented and how easily found. Good approach and helpful.

**G. Adjournment**

Meeting was adjourned at 9:24 pm

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**Tambri Heyden**

Secretary to the Planning Commission  
City of San Bruno

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**Sujendra Mishra, Chair**

Planning Commission  
City of San Bruno

**NEXT MEETING: August 15, 2006**

TH/ch